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NEW UTILITY PATENT APPLICATION TRANSMITTAL

(to be used for new applications only)

Attorney Docket Number

PROFILING

First Named Inventor

RODOV

Total Pages in this Submission

29

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09/444242
11/19/99

APPLICATION ELEMENTS

Notice: Checklist items mentioned under Application Elements section construct a new utility patent application. Please refer to MPEP Sections 506, 601, (37CFR 1.77, 1.53, 35 USC 111, 112, 113) for detailed explanation regarding completeness of an original patent application.

1. ☒ Fee Transmittal Form (prescribed filing fee(s))
2. Specification
 - ☒ Title of the Invention
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 - ☐ Reference to Microfiche Appendix (if applicable)
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 - ☒ Brief Description of the Drawings (if drawings filed)
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3. ☒ Drawing(s) (when necessary as prescribed by 35 USC 113)
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 - ☐ Paper Copy
 - ☐ Computer Readable Copy
 - ☐ Statement Verifying Identical Paper and Computer Readable Copy

ACCOMPANYING APPLICATION PARTS

6. ☒ Assignment Papers
7. ☐ Certified Copy of Priority Document(s) (if foreign priority is claimed)
8. ☐ Computer Program in Microfiche
9. ☐ English Translation Document (if applicable)
10. ☐ Information Disclosure Statement/PTO-1449 ☐ Copies of IDS Citations
11. ☐ Petition Checklist and Accompanying Petition
12. ☐ Preliminary Amendment
13. ☐ Proprietary Information
14. ☒ Return Receipt Postcard
15. ☒ Small Entity Statement
16. ☒ Additional Enclosures (please identify below).

CERT. OF EXPRESS
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SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm
or
Individual name

KAJANE McMANUS

Signature

Kajane McManus

Date

11/19/99

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Application Number		Class		Independent Claims	
Date of Receipt	Application Type	GAU		Total Claims	
	Filing Date	Foreign Filing License?		Drawing Sheets	
	Small Entity	Foreign Address?		Special Handling?	

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PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: RODOV

Serial No: 0 /

Group No.:

Filed: 11/19/99

Examiner:

For: END USER PROFILING METHOD

Commissioner of Patents and Trademarks

Washington, D.C. 20231

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FOR APPLN OF RODOV -
END USER PROFILING METHOD

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(Express Mail Certificate [8-3])

Applicant or Patentee: Alexander G. Rodov Attorney's Docket No.: Profiling
Serial or Patent No.: _____
Filed or Issued: _____
For: End User Profiling Method

VERIFIED STATEMENT (DECLARATION) CLAIMING SMALL ENTITY STATUS
(37 CFR 1.9(f) AND 1.27(c)) - SMALL BUSINESS CONCERN

I hereby declare that I am

- ☐ the owner of the small business concern identified below:
☒ an official of the small business concern empowered to act on behalf of the concern identified below:

NAME OF ORGANIZATION: Installation Software Technologies, Inc., DBA Installshield Software Corporation

ADDRESS OF ORGANIZATION: 900 National Parkway, Suite 125, Schaumburg, IL 60173

I hereby declare that the above identified small business concern qualified as a small business concern as defined in 13 CFR 121.3-18, and reproduced in 37 CFR 1.9(d), for purposes of paying reduced fees under section 41(a) and (b) of Title 35, United States Code, in that the number of employees of the concern, including those of its affiliates, does not exceed 500 persons. For purposes of this statement, (1) the number of employees of the business concern is the average over the previous fiscal year of the concern of the persons employed on a full-time, part-time or temporary basis during each of the pay periods of the fiscal year, and (2) concerns are affiliates of each other when either, directly or indirectly, one concern controls or has the power to control the other, or a third party or parties controls or has the power to control both.

I hereby declare that the small business concern identified above qualifies as a small business concern as defined in 37 CFR 1.9(d) for purposes of paying reduced fees under Section 41(a) and (b) of Title 35, United States Code, with regard to the invention entitled: End User Profiling Method

by inventor(s) Alexander G. Rodov
described in:

- ☒ the specification filed herewith
☐ application serial no. _____, filed _____.
☐ patent no. _____, issued _____.

If the rights held by the above identified small business concern are not exclusive, each individual, concern or organization having rights to the invention is listed below* and no rights to the invention are held by any person, other than the inventor, who could not qualify as an independent inventor under 37 CFR 1.9(c) if that person made the invention, or by any concern that would not qualify as a small business concern under 37 CFR 1.9(d) or a nonprofit organization under 37 CFR 1.9(e).

*NOTE: Separate verified statements are required from each named person, concern or organization having rights to the invention averring to their status as small entities. (37 CFR 1.27)

NAME _____
ADDRESS _____
☐ INDIVIDUAL ☐ SMALL BUSINESS CONCERN ☐ NONPROFIT ORGANIZATION

NAME _____
ADDRESS _____
☐ INDIVIDUAL ☐ SMALL BUSINESS CONCERN ☐ NONPROFIT ORGANIZATION

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate. (37 CFR 1.28(b))

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

NAME OF PERSON SIGNING: Stan Martin

TITLE IN ORGANIZATION: President & COO

ADDRESS OF PERSON SIGNING: 900 National Parkway, Suite 125, Schaumburg, IL 60173

SIGNATURE: *Stan Martin*

DATE: 11/18/99

11/18/99 11:18 AM

End User Profiling Method

Background of the Invention

Field of the Invention

5 The invention relates to a method of creating and storing a reaccessible, browser independent end user profile on the end user's computer, at least upon initial access, of an e-commerce website offering the purchase, downloading and installation of software or information (data) therefrom, without requiring the user to repeatedly enter the profile information. More specifically, the end user profile is downloaded and stored invisibly and seamlessly with the desired data download from the website.

Description of the Prior Art

15 Heretofore, end user profiling has been accomplished in a more or less program specific manner.

20 As an example, when a user on the internet accesses a site for download of desired data therefrom, the user must use a specific browser (of choice) to gain access to the site. A typical browser incorporates a function which creates and stores, from input end information, an end user profile in a particular area on the end user's computer, with the information only being retrievable by the particular browser used when creating the profile. One easily recognized form of such browser dependent function is commonly referred to as a cookie.

25 Thus, if a user switches between browsers, access to the end user profile by the new browser selected is impossible.

Further, programming is available which will not allow creation of cookies, requiring repeated user information input upon each access of any site requiring user profiling before access is allowed, or upon installation of an application necessary for
5 retrieval of the download data, if such application requires a profile as well.

Summary of the Invention

Accordingly there is a need in the industry for a method of creating and storing a reaccessible end user profile on the end user's computer which is independent of the browser selected for use by the end user.

Further, there is a need for such method to be accomplished in a substantially seamless manner invisible to the end user, with the end user profile being transferred and stored in a predetermined generically accessible location on the end user's computer, such as in the registry of the operating system in use.

These, as well as other objects are met by the method described in detail hereinafter.

Brief Description of the Drawing

The Figure is an operational flow chart of the method of the present invention.

Description of the Preferred Embodiment

Referring now to the Figure in greater detail it will be understood that the method is primarily proposed for use in an HTML based e-commerce environment, where an end user logs onto the internet, looking to purchase or download a program or information (data) from an e-commerce site.

Although this is the primary purpose for which the method was intended when developed, it should not be construed as limiting, inasmuch as application of the method to other environments of use will become obvious upon perusal of the following description.

In the e-commerce environment, an end user logs onto the internet and opens one of several available browsers. The end user then logs onto a desired e-commerce site via the browser.

It will be understood that, typically, information is polled from the user and downloaded onto the computer of the user in a not only browser specific but browser dependent manner, with the most well known form of such informational data storage medium commonly being referred to as a cookie.

The drawbacks of this type of system are first that the cookie or equivalent is only reaccessible when the end user returns to the website using the same browser which generated the cookie and second that programming is available which does not allow such cookie to be stored on the end user's computer.

Thus, either the blocking of cookies can take place or a switch in browsers will defeat the reaccessibility of the end user information or profile, requiring the end user to take time and

trouble in re-entering information required by either the e-commerce site, or for example, a program requiring registration for operation thereof.

5 The incompatibility in information retrieval between the various available browsers was the impetus in developing the present method, to provide a reaccessible end user profile which is not browser specific or browser dependent and which is stored in a generically accessible location on the user's computer, as will be defined hereinafter.

10 In the method disclosed herein, after the end user logs onto the website, the server of the website determines if a profile for the end user logging on exists on the server. If no end user profile is found to exist, the server can proceed in one of two alternatives.

15 In the first alternative, the end user is polled for information, such as name, email address, etc., and an end user profile is created from the input information and stored on the server. Then the end user is allowed to choose the desired download.

20 In the second alternative, the end user first chooses the desired data for downloading, and, once the choice is entered, the server then polls the end user for desired user profile information such as that described above, etc. and the end user profile is then created and stored on the server.

25 However, if the website server determines that a profile already exists for the end user, the polling does not take place,

and no profile is generated, with the end user being able to immediately choose the desired data for download.

Next, the server generates a download package which includes the data that the end user has selected for download and a preexisting profile extraction program for use in extracting the user profile, which will become part of the download package as will be described hereinafter.

The website server also generates an interactive HTML page having a copy of the user profile on the server embedded within a tag on the page, with the tag pointing to the download package through an active filter.

This is all accomplished behind the scenes, so to speak, with the end user merely seeing a DOWNLOAD button appear on the HTML page.

When the end user interacts with the HTML page by "clicking on" (activating) the DOWNLOAD button, downloading onto the user's computer of the download package from the tag location begins.

In this respect, when the DOWNLOAD button is activated by the end user, the browser being used requests the download package to be transferred through the active filter to the end user's computer.

The active filter, a program on the server, now functions to strip the copy of the end user profile from its embedded location on the interactive HTML page and attaches the profile to the download package being transferred therethrough.

Typically, once transference of the download package onto the

end user's computer is complete, one of two possible options becomes available.

Under a first option, the end user causes the downloaded package to be saved at a desired location on the computer and then manually initializes (begins installation of the data in) the download package.

Under an alternative option, upon completion of the download onto the end user's computer, the download package is automatically initialized by the download program.

Regardless of which option takes place, upon initializing of the downloaded package, the extraction program of the package is activated to locate and extract the user profile from the download package. The extraction program next determines if a profile is found at a predetermined generic, reaccessible location on the end user's computer.

If the profile is found, it is next determined whether or not the profile is to be replaced.

If the profile is not to be replaced, the package activates an install, or other required application, to make the downloaded data accessible to the end user, with the activated application being able to access the reaccessible end user profile on the end user's computer as required, such as for registration, etc.

Alternatively, if the profile was found and it is desired that replacement thereof should take place, or, if no existing profile was found on the end user's computer, the profile extracted (removed) from the download package is placed in the generic

predetermined reaccessible location on the end user's computer, with installation or other application of accessibility of the downloaded data also taking place in a seamless manner. In the preferred embodiment of the method, this location is within the registry of the operating system.

Running of the extraction program is performed in such a seamless manner that the end user is unaware of it functioning, and merely sees that the desired application for accessing the desired data is being installed onto the computer.

The end user profile, having been stored in such generically accessible location, is now available to be reaccessed by the downloaded application as required or by the site server for downloads of any sort, such as upgrades, options, other software, etc., with the returning user being recognized by the site server without need of rekeying any user identification, regardless of which browser the end user should happen to be using to gain access to the site.

It will be understood here that since the most commonly utilized present day operating system is Windows, that the end user profile would preferably be embedded into the Windows registry.

As described above, the method of the present invention provides a number of advantages, some of which have been described above, and others of which are inherent in the invention. Also, modifications may be proposed to the method without departing from the teachings herein. Accordingly the scope of the invention is only to be limited as necessitated by the accompanying claims.

Claims

1. A method for creating, transmitting, extracting and storing at a predetermined location on an end user's computer, a browser independent reaccessible end user profile at least when an end user first logs onto a website offering desired downloadable data and downloads data therefrom, the method comprising the steps of:

determining if a profile for the end user exists on the website server and if not;

polling the end user and obtaining input desired for creating the profile on the server;

creating the profile;

embedding a copy of the profile into an action tag pointing to a download package through a data filter on the server;

generating a download package comprising the desired data and a profile extraction program;

generating an HTML page including the action tag for actuation by the user for downloading selected data;

upon execution of the action tag by the user beginning operation of the data filter to transfer the user profile from the tag into the download package and downloading the package;

upon opening of the package running the extraction program to extract the profile from the download package and saving the profile to a predetermined file location on the end user's computer.

2. The method of claim 1 wherein the data filter is an active filter.

3. The method of claim 1 wherein the profile is downloaded into the registry of the end user's operating system.

5 4. The method of claim 1 wherein the profile copy is linked to the package being downloaded upon actuation of a download button provided on the interactive HTML page.

10 5. The method of claim 1 wherein the website server determines if an end user profile exists thereon and upon finding same accesses and reuses the information.

6. The method of claim 1 wherein the website server determines if a user profile exists thereon and upon finding none, begins a process of creating one.

15 7. The method of claim 1 wherein transfer of the user profile to the user's computer is invisible to the user.

8. The method of claim 1 wherein extraction of the user profile and application installation are simultaneous and performed seamlessly.

20 9. The method of claim 1 wherein extraction of the profile is invisible to the user.

10. The method of claim 1 wherein placement of the extracted profile at the predetermined generic location on the user's computer is invisible to the user.

25 11. The method of claim 1 wherein the predetermined generic location is the registry of computer's operating system.

12. The method of claim 2 wherein the active filter comprises

a program.

13. An end user profile created by the method of claim 1.

14. A computer executed process for creating, transmitting, extracting and storing at a predetermined location on an end user's computer, a browser independent reaccessible end user profile at least when an end user first logs onto a website offering desired downloadable data and downloads data therefrom, the process comprising the steps of:

determining if a profile for the end user exists on the website server and if not;

polling the end user and obtaining input desired for creating the profile on the server;

creating the profile;

embedding a copy of the profile into an action tag pointing to a download package through a data filter on the server;

generating a download package comprising the desired data and a profile extraction program;

generating an HTML page including the action tag for actuation by the user for downloading selected data;

upon execution of the action tag by the user beginning operation of the data filter to transfer the user profile from the tag into the download package and downloading the package;

upon opening of the package running the extraction program to extract the profile from the download package and saving the profile to a predetermined file location on the end user's computer.

15. An end user profile created by the method of claim 14.

16. Computer executable software process code for creating, transmitting, extracting and storing at a predetermined location on an end user's computer, a browser independent reaccessible end user profile at least when an end user first logs onto a website offering desired downloadable data and downloads data therefrom, the code comprising:

code for determining if a profile for the end user exists on the website server;

code for polling the end user and obtaining input desired for creating the profile on the server;

code for creating the profile;

code for embedding a copy of the profile into an action tag pointing to a download package through a data filter on the server;

code for generating a download package comprising the desired data and a profile extraction program;

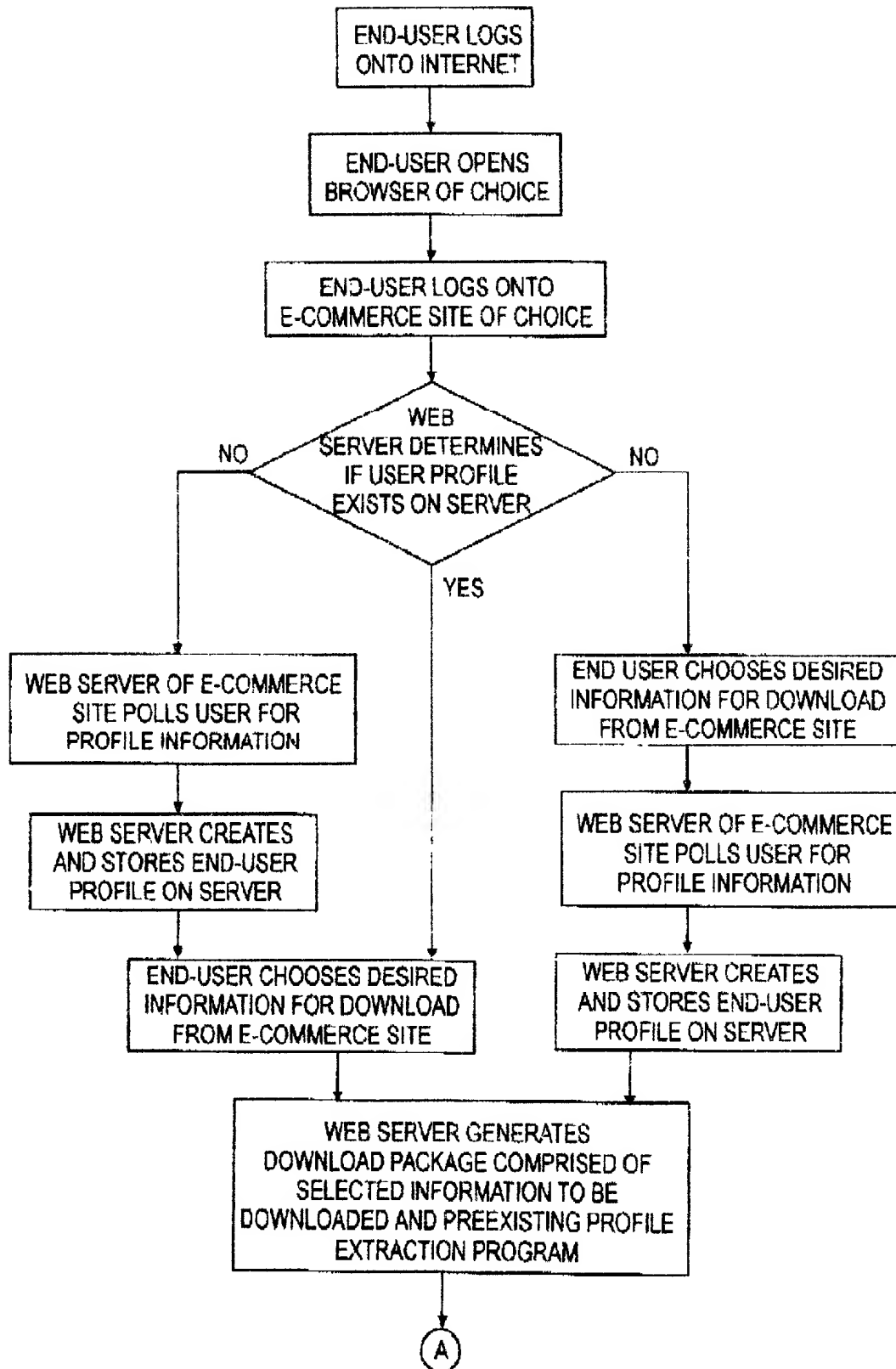
code for generating an HTML page including the action tag for actuation by the user for downloading selected data;

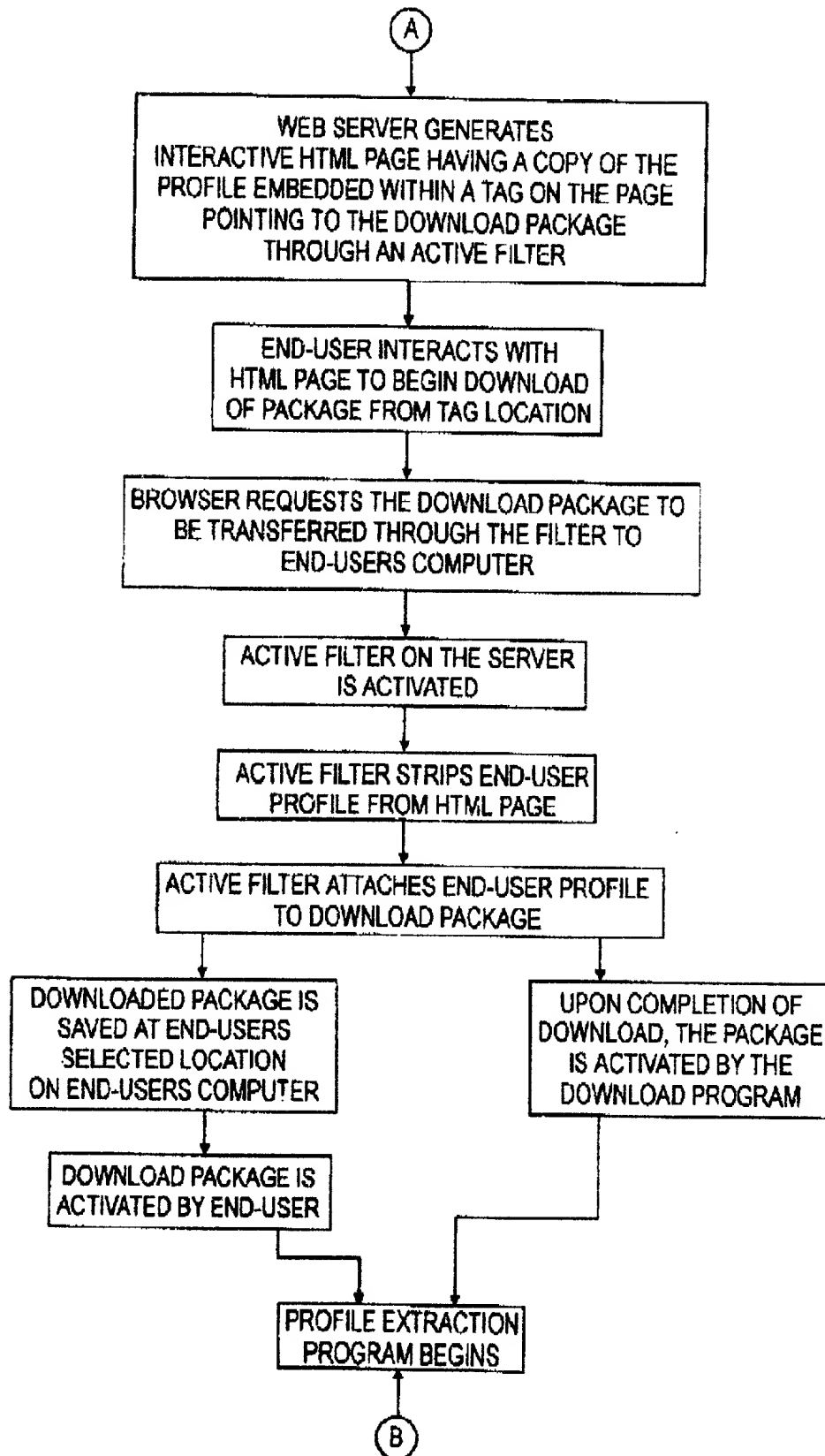
upon execution of the action tag by the user, code for beginning operation of the data filter to transfer the user profile from the tag into the download package and downloading the package;

upon opening of the package, code for running the extraction program to extract the profile from the download package and saving the profile to a predetermined file location on the end user's computer.

Abstract of the Disclosure

The method is provided for creating, transmitting, extracting and storing an end user profile on the end user's computer which is reaccessible and comprises the steps of: determining if a profile for the end user exists on the website server and if not; polling the end user and obtaining input desired for creating the profile on the server; creating the profile; embedding a copy of the profile into an action tag pointing to a download package through a data filter on a server; generating a download package comprising the desired data and a profile extraction program; generating an HTML page including the action tag for actuation by the user for downloading selected data; upon execution of the action tag by the user beginning operation of the data filter to transfer the user profile from the tag into the download package and downloading the package; upon opening of the package running the extraction program to extract the profile from the download package and saving the profile to a predetermined file location on the end user's computer; and accessing the profile as needed for eliminating rekeying by the user of profile information contained therein.





Attorney Docket No.: Profiling

UTILITY PATENT APPLICATION DECLARATION AND POWER OF ATTORNEY

As a below named inventor, I hereby declare that:

My residence, post office and citizenship are as stated below next to my name,

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter claimed and for which a patent is sought on the invention entitled End User Profiling Method, the specification of which

[X] is attached hereto [] was filed on _____
_____ as Application Serial No. _____ and
was amended on _____ (if applicable).

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information that is known to me to be material to patentability in accordance with Title 37, Code of Federal Regulations, Section 1.56(a).

I hereby claim foreign priority benefits under Title 35, United States Code, Section 119 of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed:

Prior Foreign Application(s):			Priority Claimed	
<u>Number</u>	<u>Country</u>	<u>Day/Month/Year Filed</u>	<u>Yes</u>	<u>No</u>

I hereby claim the benefit under Title 35, United States Code, Section 119 of United States provisional application(s), and/or Section 120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, Section 112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, Section 1.56(a) that occurred between the filing date of the prior application and the national or PCT international filing date of this application:

Prior U.S. Application(s):		
<u>Serial No.</u>	<u>Filing Date</u>	<u>Status: Patented, Pending, Abandoned</u>

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

all of

with full power of substitution and revocation, to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith, and all future correspondence should be addressed to them.

Full name of second inventor:

Full name of third inventor:

Full name of fourth inventor:

Post office address: _____

Before signing this declaration, each person signing must:

1. Review the declaration and verify the correctness of all information therein; and
2. Review the specification and the claims, including any amendments made to the claims.

After the declaration is signed, the specification and claims are not to be altered.

To the inventor(s):

The following is cited in or pertinent to the declaration attached to the accompanying application:

Title 37, Code of Federal Regulations, Section 1.56

Duty to disclose information material to patentability

(a) A patent by its very nature is affected with a public interest. The public interest is being served, and the most effective patent examination occurs when, at the time an application is being examined, the Office is aware of and evaluates the teachings of all information material to patentability. Each individual associated with the filing and prosecution of a patent application has a duty of candor and good faith in dealing with the Office, which includes a duty to disclose to the Office all information known to that individual to be material to patentability as defined in this section. The duty to disclose information exists with respect to each pending claim until the claim is canceled or withdrawn from consideration, or the application becomes abandoned. Information material to the patentability of a claim that is canceled or withdrawn from consideration need not be submitted if the information is not material to the patentability of any claim remaining under consideration in the application. There is no duty to submit information which is not material to the patentability of any existing claim. The duty to disclose all information known to be material to patentability is deemed to be satisfied if all information known to be material to patentability of any claim issued in a patent was cited by the Office or submitted to the Office in the manner prescribed by Sections 1.97(b)-(d) and 1.98. However, no patent will be granted on an application in connection with which fraud on the Office was practiced or attempted or the duty of disclosure was violated through bad faith or intentional misconduct. The Office encourages applicants to carefully examine:

(1) prior art cited in search reports of a foreign patent office in a counterpart application, and

(2) the closest information over which individuals associated with the filing or prosecution of a patent application believe any pending claim patentably defines, to make sure that any material information contained therein is disclosed to the Office.

Title 35, United States Code, Section 101

Inventions patentable

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Title 35, United States Code, Section 102

Conditions for patentability; novelty and loss of right to patent

A person shall be entitled to a patent unless --

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country before the invention thereof by the applicant for patent, or

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States, or

(c) he has abandoned the invention, or

(d) the invention was first patented or caused to be patented, or was the subject of an inventor's certificate, by the applicant or his legal representatives or assigns in a foreign country prior to the date of the application for patent in this country on an application for patent or inventor's certificate filed more than twelve months before the filing of the application in the United States, or

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent, or

(f) he did not himself invent the subject matter sought to be patented, or

(g) before the applicant's invention thereof the invention was made in this country by another who had not abandoned, suppressed, or concealed it. In determining priority of invention there shall be considered not only the respective dates of conception and reduction to practice of the invention, but also the reasonable diligence of one who was first to conceive and last to reduce to practice, from a time prior to conception by the other.

Title 35, United States Code, Section 103

Conditions for patentability; non-obvious subject matter

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

. . .

(c) Subject matter developed by another person, which qualifies as prior art only under subsection (f) or (g) of section 102 of this title, shall not preclude patentability under this section where the subject matter and the claimed invention were, at the time the invention was made, owned by the same person or subject to an obligation of assignment to the same person.

Title 35, United States Code, Section 112 (in part)

Specification

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same, and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Title 35, United States Code, Section 119

Benefit of earlier filing date in foreign country; right of priority

An application for patent for an inventor filed in this country by any person who has, or whose legal representatives or assigns have, previously regularly filed an application for a patent for the same inventor in a foreign country which affords similar privileges in the case of applications filed in the United States or to citizens of the United States, shall have the same effect as the same application would have if filed in this country on the date on which the application for patent for the same invention was first filed in such foreign country, if the application in this country is filed within twelve months from the earliest date on which such foreign application was filed; but no patent shall be granted on any application for patent for an invention which had been patented or described in a printed publication in any country more than one year before the date of the actual filing of the application in this country, or which had been in public use or on sale in this country more than one year prior to such filing.

Title 35, United States Code, Section 120

Benefit of earlier filing date in the United States

An application for patent for an invention disclosed in the manner provided by the first paragraph of section 112 of this title in an application previously filed in the United States, or as provided by section 363 of this title, which is filed by an inventor or inventors named in the previously filed application shall have the same effect, as to such invention, as though filed on the date of the prior application, if filed before the patenting or abandonment of or termination of proceedings on the first application or an application similarly entitled to the benefit of the filing date of the first application and if it contains or is amended to contain a specific reference to the earlier filed application.

Please read carefully before signing the Declaration attached to the accompanying Application.

If you have any questions, please contact us.